

January 25, 2003

My fellow Utahns,

Judicial appointments to the Supreme Court are a matter of such historical importance that I have chosen to write this letter to convey the process and reasoning I used to reach my conclusions.

Yesterday, I concluded deliberations to determine which of 14 exceptional people I would advance to fill two vacancies on the Utah Supreme Court. These appointees will join three current members of the court to render final judgment on important matters of constitutional and statutory interpretation. They will also oversee the operation of an entire branch of our government, further adding to the importance of this decision.

The justices will serve until they retire, turn seventy-five years old, die or are removed by a retention election. It is possible that these appointments will define the nature of the court for a considerable period.

I sought the counsel of many to formulate my views and surrounded myself with a small group of trusted advisors who challenged my ideas and added dimension to my thoughts. I am satisfied that we validated the qualifications, views and backgrounds of the candidates.

What I desire most for you to know and for history to reflect is the seriousness and care with which I have undertaken this decision. I have known of the duty to make these decisions for many months. During that time, I have consistently contemplated questions related to how the decision should be made and what characteristics the appointees should have.

I know personally or by reputation all of the 14 candidates. I have previously interviewed several of them for other judicial positions. The list includes several whom I consider personal friends, and with whom I have worked, socialized and done public service.

My familiarity with these candidates has been both an asset and a hardship. Any choice I made would inevitably result in advancing two appointees and eliminating 12 other superb candidates whose abilities I admire and whose association I greatly appreciate.

Upon receipt of the candidates from the Judicial Nominating Commission, I interviewed each, some on multiple occasions. The interview questions ranged from general personal background to specifics regarding the role of the court, general philosophy and important issues of the day. Extensive public comment was received and reviewed. Hints of irregularity were pursued vigorously. Writing samples were obtained and reviewed. Former colleagues and legal opponents were interviewed. This process included investigation, consultation and collaboration.

The Supreme Court is not a constituent body, and there is no such thing as the perfect pentagon of backgrounds or experience. Since the Court deliberates as a body, my objective was to find those representing the best-balanced perspectives on life and the law, complemented by the highest standards of scholarship.

After narrowing the list of 14 candidates to a more manageable size, profiles were created of each candidate. Over several days the selection group profiled different combinations of candidates along side the current members of the court to evaluate the temperament and characteristics each potential blend produced. Numerous combinations were reviewed and tested for what I considered to be the proper mix of legal skill, judicial philosophy, ideology, geography, diversity, writing ability, practical perspective and other characteristics important to the make-up of the highest court in the state.

The announcement made today represents the combination of skill and perspective that I felt best served us all. I am confident Ronald E. Nehring and Jill N. Parrish will serve this state honorably well into the future. I present them to the people of Utah for their review and the Utah State Senate for confirmation.

Thank you for the opportunity to serve.

Sincerely,

A handwritten signature in black ink, reading "Michael O. Leavitt". The signature is written in a cursive, flowing style with a large initial "M".

Michael O. Leavitt  
Governor